

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

KINGSTON SEBASTIAN GAULDEN

## CRIMINAL COMPLAINT

Case Number:

MJ 10-127 AJB

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 25, 2010, in Hennepin County, in the State and District of Minnesota, defendant knowingly possessed, in and affecting interstate commerce, a Smith & Wesson .40 caliber handgun, after having been convicted of a crime punishable by imprisonment for a term exceeding one year,

in violation of Title 18 , United States Code, Section(s) 922(g).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

4/7/10

The Honorable Arthur J. Boylan  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

at



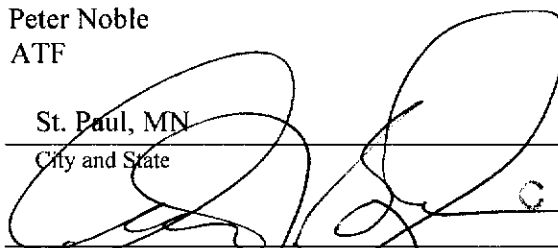
Signature of Complainant

Peter Noble

ATF

St. Paul, MN

City and State



Signature of Judicial Officer

CANNED

APR 8 2010

DISTRICT COURT ST. PAUL

STATE OF MINNESOTA )

COUNTY OF RAMSEY )

ss. **AFFIDAVIT OF SA PETER NOBLE**

1. I am a Special Agent (SA) of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and have been so employed since 1999. In this capacity, I am responsible for the enforcement of the laws of the United States of America, including laws relating to firearms, drug enforcement, and violent crimes. During my law enforcement career I have conducted numerous investigations into the unlawful possession of firearms, narcotics trafficking, crimes of violence against persons, and the associated conspiracies.

2. This Affidavit is submitted in support of a Complaint against Kingston Sebastian Gaulden (hereinafter "Gaulden") charging him with possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1).

3. On March 25, 2010, Minneapolis police officers conducted a traffic stop of a vehicle in which Gaulden was a passenger. As officers approached the vehicle, they saw Gaulden making furtive movements, which led them to believe that Gaulden was attempting to hide something in the vehicle. For officer safety, the officer directed Gaulden to step out of the vehicle. Gaulden refused. As officers removed Gaulden from the vehicle, they saw him drop a Smith & Wesson .40 caliber pistol. The pistol was reported stolen on December 8, 2009, during a robbery of a federal firearms licensee in St. Louis Park, Minnesota. Before March 25, 2010, Gaulden was a convicted felon who was prohibited him from possessing firearms. Gaulden was arrested. Also recovered from Gaulden at the time of his arrest was over \$1,000 in U.S. currency, a scale, and small amounts of powder cocaine and marijuana.

4. Under the scope of Miranda, Gaulden gave a recorded statement in which he admitted possessing the pistol. He stated that he had found the pistol in an alley.

5. On March 29, 2010, ATF SA Leann Sellner, an interstate nexus expert, examined the firearm seized from Gaulden and determined that it was manufactured outside the State of Minnesota and had therefore traveled in interstate commerce to have been found in Minnesota on March 25, 2010.



Special Agent Peter Noble  
Bureau of Alcohol, Tobacco, Firearms, & Explosives.

SUBSCRIBED and SWORN to Before Me

This 7<sup>th</sup> day of April 2010



Arthur J. Boylan  
United States Magistrate Judge